

FIRST REGULAR SESSION

# HOUSE BILL NO. 936

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SWAN (Sponsor), KIRKTON, ENGLISH, KEENEY,  
RICHARDSON, LICHTENEGGER AND GARDNER (Co-sponsors).

1732L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 335, RSMo, by adding thereto one new section relating to a pilot project to utilization of telehealth by nurses.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 335, RSMo, is amended by adding thereto one new section, to be  
2 known as section 335.175, to read as follows:

335.175. 1. No later than January 1, 2014, there is hereby established within the  
2 state board of registration for the healing arts and the state board of nursing the  
3 "Utilization of Telehealth by Nurses". An advanced practice registered nurse (APRN)  
4 providing nursing services in accordance with a collaborative practice arrangement under  
5 section 334.104 may provide such services using telehealth if the geographic proximity  
6 requirements of such collaboration arrangement prevents such nurse from providing  
7 services in a rural area in need. Telehealth providers shall be required to obtain patient  
8 consent before telehealth services are initiated and to ensure confidentiality of medical  
9 information.

10 2. As used in this section, "telehealth" means the use of medical information  
11 exchanged from one site to another via electronic communications to improve the health  
12 status of a patient.

13 3. (1) The boards shall designate by rule the geographic areas and shall promulgate  
14 rules governing the practice of telehealth. Such rules shall address, but not be limited to,  
15 appropriate standards for the use of telehealth.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           (2) Any rule or portion of a rule, as that term is defined in section 536.010, that is  
17 created under the authority delegated in this section shall become effective only if it  
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
19 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
20 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
21 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
22 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,  
23 shall be invalid and void.

24           4. For purposes of this section, "rural area of need" means any rural area of this  
25 state which is located in a health professional shortage area as defined in section 354.650.

26           5. Under section 23.253 of the Missouri sunset act:

27           (1) The provisions of the new program authorized under this section shall  
28 automatically sunset six years after the effective date of this section unless reauthorized by  
29 an act of the general assembly; and

30           (2) If such program is reauthorized, the program authorized under this section  
31 shall automatically sunset twelve years after the effective date of the reauthorization of this  
32 section; and

33           (3) This section shall terminate on September first of the calendar year immediately  
34 following the calendar year in which the program authorized under this section is sunset.

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